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10 Attorneys for Defendants
11 MEPCO FINANCE CORPORATION and
INDEPENDENT BANK CORPORATION

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

16 JACKIE L. HIGH, *et al.* on Behalf of
17 Themselves and All Others Similarly
Situated,

18 Plaintiff,

19 v.

20 THE CHOICE MANUFACTURING
COMPANY, INC., MEPCO FINANCE
21 CORPORATION, and DOES 3 through 20,
inclusive,

22 Defendants.

Case No. CV 11 5478

**STIPULATION TO EXTEND TIME TO
RESPOND TO PLAINTIFFS' SECOND
AMENDED COMPLAINT ; ORDER**

24 Pursuant to Civil Local Rule 6-1(a) and 7(1) – (3), Defendants MEPCO Finance
25 Corporation (“MEPCO”) and Independent Bank Corporation (“IBC”), by and through their
26 respective counsel Downey Brand LLP, and Plaintiffs Jackie L. High, Travis Peavy and Loretta
27 Alva (“Plaintiffs”), by and through their respective counsel The Mehdi Firm, hereby stipulate as
28 follows:

1 WHEREAS, on May 10, 2012, Plaintiffs filed their Second Amended Complaint (“SAC”)
2 against The Choice Manufacturing Company, Inc. (“Choice”), MEPCO, IBC, Peter Masi, Darain
3 Atkinson and Cory Atkinson in the above-referenced matter;

4 WHEREAS, Plaintiffs served MEPCO with the SAC on May 10, 2012;

5 WHEREAS, on May 11, 2012, counsel for plaintiffs requested waiver of service of
6 process on IBC from counsel for MEPCO if they were also representing IBC, to which
7 plaintiffs received no response and hence are in the process of executing service of
8 process on IBS;

9 WHEREAS, MEPCO currently has until May 29, 2012 to answer or respond to Plaintiffs’
10 SAC;

11 WHEREAS, MEPCO has requested and Plaintiffs have consented to an additional 10 days
12 for MEPCO’s answer or response to the SAC.

13 WHEREAS, the extension will not alter the date of any event or any deadline currently set
14 by the Court;

15 WHEREAS, notwithstanding the status of the service of process on IBC, MEPCO, IBC
16 and Plaintiffs desire to stipulate to a briefing schedule should MEPCO and IBC respond to the
17 SAC with a motion to dismiss;

18 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between undersigned
19 counsel for the parties, that MEPCO and IBC shall answer or otherwise respond to Plaintiffs’
20 SAC by June 8, 2012.

21 IT IS FURTHER STIPULATED by and between undersigned counsel for the parties, that
22 if MEPCO and IBC respond by filing a motion to dismiss:

23 (1) Plaintiffs Opposition Brief will be filed with the Court and served on MEPCO and
24 IBC by July 6, 2012;

25 (2) MEPCO and IBC’s Reply Brief will be filed with the Court and served on Plaintiffs
26 by July 20, 2012;

27 (3) MEPCO, IBC and Plaintiffs will meet and confer with each other and agree upon a
28 hearing date for any motion to dismiss.

1 DATED: May 24 , 2012

DOWNEY BRAND LLP

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By: _____ /s/ Spencer W. Christensen
SPENCER W. CHRISTENSEN
Attorney for Defendant
MEPCO FINANCE CORPORATION

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6 DATED: May 24, 2012

THE MEHDI FIRM

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By: _____ /s/ Azra Mehdi
AZRA MEHDI
Attorney for Plaintiffs
JACKIE L. HIGH, TRAVIS PEAVY, and LORETTA
ALVA individually and on Behalf of All Others
Similarly Situated

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Pursuant to General Order No. 45 Section X(B), all signatories concur in filing this
stipulation.

Dated: May 23, 2012

By: _____ /s/ Spencer W. Christensen

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: _____ June 1, 2012

